

Approved September 9, 2014

**The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143,
Brian Head, UT 84719
TUESDAY, AUGUST 26, 2014 @ 1:00 PM**

Members Present: H.C. Deutschlander, Jim Ortler, Clayton Calloway, Larry Freeberg, Reece Wilson
Staff Present: Bret Howser, Nancy Leigh, Tom Stratton

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES

1. August 12, 2014 Town Council Minutes

Motion: Council Member Calloway moved to approve the August 12, 2014 Town Council minutes with corrections.
 Council Member Ortler seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

2. August 12, 2014 Town Council Closed Session Minutes

Motion: Council Member Ortler moved to approve the August 12, 2014 Town Council closed session minutes. Council Member Calloway seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Council Member Ortler, stated he will be not attending the September 9th Council meeting since he will be at the Utah League of Cities and Towns annual conference.

Council Member Wilson also stated he will not be able to attend the September 9th Council meeting since he will also be out of town on that date.

Mayor Deutschlander updated the Council on a Five County Association of Government meeting in which the topic of discussion was a resolution adopted for natural mitigation. The plan will be reviewed every five years and all of the communities and counties will be notified once they begin the process. A draft is scheduled to be completed by August 2016 and adopted and submitted to FEMA prior to the November 2016 deadline date.

Bret Howser, Town Manager, updated the Council on a report from the Iron County Tourism Bureau who reported Brian Head has received matching grant funds from the State Tourism Bureau for the joint marketing program in the amount of \$202,000. The Town has budgeted \$20,000 towards the matching funds for the program. All reports indicated that the marketing program was successful last year and will be more so this year.

Tom Stratton, Public Works Director,

1. Inquired if Council would like a ribbon cutting ceremony for Bristlecone Pond/Park area. Council directed staff to schedule Memorial Day 2015 for the ribbon cutting ceremony and if that date fails, then July 4, 2015 will be scheduled for the ceremony.
2. The basketball court located adjacent to the town park will be ready for the weekend. The asphalt is in the final stages of being completed.



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3. Council Member Wilson inquired if the cement blocks that were dumped in the UDOT right-of-way are a temporary fix for the erosion that took place due to the recent heavy rains, or if UDOT plans to leave the cement in place. Council Member Wilson commented the cement is unsightly and could be possibly dangerous to motorists. Tom responded he will contact UDOT on their official position with the cement blocks and report back to the Council.

Cindy Robinson, Iron County Deputy Clerk, reported she is currently running for Iron County Clerk in the upcoming November election. Ms. Robinson reported she is a write-in candidate for this election and encouraged the Council and public to vote for her. Ms. Robinson gave a brief history of her experience with the County Clerk's office in which she has been a Deputy Clerk for the past 23 years. Ms. Robinson then distributed business cards with write-in voter instructions and her contact information to the Council and public.

Ken Anderson, LaVerkin Resident, reported he is running for State Senate for District 71 which includes Brian Head, Parowan and Iron County. Mr. Anderson distributed an information sheet on his experience and what he is supporting if he is elected to the Senate (see attached). Mr. Anderson encouraged the Council and public to vote for him in the upcoming November election.

Gordon Marx, 351 Pinehurst, Brian Head Property Owner, explained he is requesting utility relief from his utility bills which now totals close to \$8,000. Mr. Marx explained the utilities were shut off in 2012 due to the hard freeze of 2011 where his interior pipes froze. Mr. Marx went on to explain he approached Rocky Mountain Power for relief since his homeowners insurance did not cover the damage and ended going to an attorney for assistance. He and his sons are now repairing the cabin on Pinehurst and requested the Council grant relief from the \$8,000 utility bill which has accumulated interest and penalties. Mr. Marx explained he has not used the services for the past two and half years, but the account still continues to accrue fees and penalties.

Nancy Leigh, Town Clerk, explained this item will be on the Council agenda for September 9th for Council action at that time. Council Member Ortler directed staff to breakdown Mr. Marx's utility bill for the Council's review.

Mike Piscreta, Specialized Mountain Services, updated the Council on his meeting with staff regarding the tree slash and landfill issues that arose in August. Bret reported he sent an email to Council outlining their meeting (see attached). Bret went on to explain he has met with Mr. Piscreta on several occasions with one meeting dedicated to the clarification of land use permits and another addressing on how to use the tree slash pile effectively while still meeting the goals of the community. Bret reported they came to a reasonable and agreeable solution for both issues. As for the issue with Mike being treated fairly, he has been working on proper personnel action to ensure fairness.

Mr. Piscreta commented he appreciates Bret's time for addressing these issues and believes the meetings were constructive. He also appreciates the "open door" policy that Bret has with the community.

The Council held discussion on the following:

1. Mayor Deuschlander commented he does not believe an ordinance or resolution is needed in order to control the tree slash pile and town pit, but those who are using either one should informally contact the town staff in order to maintain some control.
2. The definition of grading was discussed and what constituted a grading permit vs. notification to the town so the town is aware of activity that is happening. It was determined it would be on a case by case basis.
3. Staff will draft a grading notification form for the public to be used when grading is taking place. The public can verbally notify the town of any grading taking place and staff will determine if a notification process is adequate or a grading permit will be required.
4. Examples were given as to what would constitute a notification vs. a grading permit.
5. The intent of the notification process is not to burden the public, but to give the town notice that grading is taking place without an actual grading permit being submitted.
6. Discussion on heavy equipment being used in residential areas that are repairing some type of drainage/rodent damage and whether a grading permit is required. Bret explained it is his understanding that a permit would need to be approved first. Council Member Ortler stated the Building Official will need to contact those who are operating heavy equipment the change in the policy regarding permits.
7. Council Member Freeberg stated that the basic assumption is that the notification is grading that will not change any drainage pattern.

F. WORK SESSION OF THE TOWN COUNCIL

• LAND MANAGEMENT CODE REVIEW – CHAPTER 14 - SIGNAGE



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Chapter 14, Signage

Mayor Deutschlander stated he does not see the need to change the current sign ordinance, but would suggest a provision in the sign code for special events. He suggested that a provision that signs/banners can be erected 24 hours prior to an event and must be taken down within 24 hours after the event is over. This would be in cooperation that the town purchases six frames which are similar to what UDOT currently has for the large orange diamond signs identifying "special event" and have a Velcro that can identify the specific event. Mayor Deutschlander recommended the town require a \$200 bond to ensure the signs/banners are taken down within the allotted time.

Mayor Deutschlander commented that during the next budget year, the town purchase poles to be erected on either side of the highway. This would allow the town to put special event banners up and would suggest the north and south side of town have the poles installed. Mayor Deutschlander stated that the banners be allowed to be erected 2-3 weeks prior to the event and the town would need to work with UDOT for approval of the poles within their right-of-way.

Council Member Ortler suggested the sign code provide for an exception for extraordinary circumstances that would allow the Town Manager to give relief for signs for either 90 or 120 days. Mayor Deutschlander stated that the provision should provide for 90 days and if there are circumstances that the Town Manager feels should be extended to 120 days.

The Council held discussion on the following:

1. Council Member Wilson stated he has heard that every business in town is struggling and feels the sign code is too restrictive.
2. Whether the sandwich boards should be allowed or prohibited.
3. Council Member Ortler stated that the businesses are competing with each other and believes that the town needs to focus on bringing more people to Brian Head and working on a marketing program is the answer.
4. Council Member Ortler stated there are several signs located throughout town are illegal, such as signs on trees, sandwich boards, banners and off-premise signs.
5. Special Event definition is identified in Title 3, business license chapters.
6. **9-14-14.B Signs over Rights of Way: ELIMINATE** the 10' setback requirement from the sentence.
7. **9-14-8-B.3 Special Promotions, Event and Grand Opening Signs: DELETE** "Promotions" from sentence and make reference to definition of special event in Title 3, Chapter 3.1.
8. **9-14-7-B Construction Documents: DELETE** "or lessee"
9. **Consensus:** A provision in the sign code that will allow the Town Manager to grant relief for extraordinary non-reoccurring circumstances for a period of 120 days with notice to the Council.
10. **9-14-8-7 Neon and LED: DELETE** "visible from the exterior of a...."
11. Brian Head Outdoor Adventures covered wagon which has a banner attached to the wagon and whether it is a legal or illegal sign and if the wagon should be permanently fixed to the ground to make it a legal sign. Council Member Calloway commented Brian Head Outdoor Adventure violates several code regulations.
12. Council Member Wilson stated that Council Member Calloway should remove himself from the discussion regarding Brian Head Outdoor Adventure since he feels he has a conflict of interest with the business.
13. **9-14-4-H Obsolete Sign Copy: First sentence CHANGE TO READ:** "Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have must have the sign copy and/or removed within thirty (30) days after written notification from the code official..."
14. Council Member Calloway suggested the Council review the code for minor items and highlight anything that they deem unreasonable. The Council will address the sign code during the September 23, 2014 Council meeting.
15. Mayor Deutschlander commented he may have more information to some of Council's questions since he will be attending a tourism conference around the first of October.

Council Member Freeberg stated he will be out of town from September 19th through October 3rd and will be absent for the September 23rd Council meeting.

G. CLOSED SESSION OF TOWN COUNCIL to discuss the character, professional competence, or physical or mental health of an individual.

Motion: Council Member Ortler moved to enter into closed session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Calloway seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The Council entered into closed session at 3:25 pm.

Motion: Council Member Wilson moved to adjourn the closed session of the Town Council. Council Member Freeberg seconded the motion.



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Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The regular meeting of the Town Council was reconvened at 4:12 pm.

H. ADJOURNMENT

Motion: Council Member Wilson moved to adjourn the regular meeting of the Brian Head Town Council for August 26, 2014. Council Member Ortler seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The regular meeting of the Brian Head Town Council was adjourned at 4:15 pm. for August 26, 2014.

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Date Approved

Nancy Leigh, Town Clerk

